

1 BILL NO. Z-88- 01-21

2 ZONING MAP ORDINANCE NO. Z- 03-88

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. Q-10.

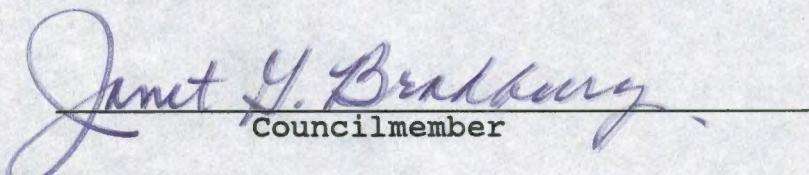
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

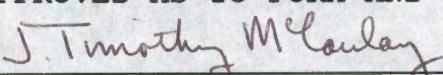
7 SECTION 1. That the area described as follows is
8 hereby designated a P.O.D. (Professional Office) District
9 under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

10 Part of the Northeast Quarter of Section 6, Township 30
11 North, Range 13 East, in Allen County, Indiana, more
12 particularly described as follows: Beginning at a
13 point on the North line of the Northeast Quarter of
14 Section 6, Township 30 North, Range 13 East, in Allen
15 County, Indiana, said point being 431.64 feet (6.54
16 chains) East of the Northwest corner of the NE 1/4 of
17 Sec. 6-30-13; thence East along the North line of the
18 NE 1/4 of Sec. 6-30-13 a distance 227.7 feet (3.45
19 chains); thence South with a deflection angle to the
right of 90 degr. 33 min. a distance of 594 feet;
thence West with a deflection angle to the right of 89
degr. 27 min. and parallel to the North line of the NE
1/4 a distance of 227.7 feet; thence North with a
deflection angle to the right of 90 degr. 33 min. a
distance of 594 feet to the point of beginning,
containing 3.1 acres and subject to road rights of way
and easements. "Certificate of Survey, John R.
Donovan, April 22, 1983. Property transferred to
Applicant on May 5, 1983 from Estate of Richard J.
Long. Original deed of Richard J. Long filed a Deed
Book 486, page 61."

21 and the symbols of the City of Fort Wayne Zoning Map No.
22 Q-10, as established by Section 11 of Chapter 33 of the Code
23 of the City of Fort Wayne, Indiana are hereby changed
24 accordingly.

25 SECTION 2. That this Ordinance shall be in full force
26 and effect from and after its passage and approval by the
27 Mayor.

28 
29 Janet G. Bradbury
30 Councilmember

31 APPROVED AS TO FORM AND LEGALITY:
32 
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury,
seconded by Stier, and duly adopted, read the second time by
title and referred to the Committee on Regulations (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on , the , day
of , 19 , at o'clock P.M., E.S.T.

DATE: 1-26-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by Stier, and duly adopted, placed on its
passage. PASSED EAST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u>7</u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 2-23-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 3-03-88
on the 23rd day of February, 1988,

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

John S. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 24th day of February, 1988,
at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24th day of February,
1988, at the hour of 2:00 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 2753

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.

12-17 1987

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$ 50.00

DOLLARS

100

AUTHORIZED SIGNATURE

*Caron Brumfield**fifteen**fifty**Rezone - 3606 Sale**15.00*

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

I/We Jennie Huber and Edward F. Long - Richard J. Long
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an P.O.D. District the property described as follows:

Part of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, in Allen County, Indiana, more particularly described as follows: Beginning at a point on the North line of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, in Allen County, Indiana, said point being 431.64 feet (6.54 chains) East of the Northwest corner of the NE $\frac{1}{4}$ of Sec. 6-30-13; thence East along the North line of the NE $\frac{1}{4}$ of Sec. 6-30-13 a distance of 227.7 feet (3.45 chains); thence South with a deflection angle to. (Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 2606 Lake Avenue, Fort Wayne, IN 46815

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Jennie Huber

2016 LaVerne Ave.

Edward F. Long

4537 Lake Ave.

RICHARD J. LONG

(Name)

2606 LAKE AVE.

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Violette W. Wysong
ROWE, LAUR & SPINDLER
(Name)

124 East Rush Street
Kendallville, IN 46755
(Address & Zip Code)

(219) 347-1880
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

the right of 90 degr. 33 min. a distance of 594 feet; thence West with a deflection angle to the right of 89 degr. 27 min. and parallel to the North line of the NE $\frac{1}{4}$ a distance of 227.7 feet; thence North with a deflection angle to the right of 90 degr. 33 min. a distance of 594 feet to the point of beginning, containing 3.1 acres and subject to road rights of way and easements. "Certificate of Survey, John R. Donovan, April 22, 1983. Property transferred to Applicant on May 5, 1983 from Estate of Richard J. Long. Original deed of Richard J. Long filed at Deed Book 486, page 61."

Owners of Property

Jennie M. Huber
Edward F. Long

2016 Laverne Dr
RR#2 Box 164
Fremont, In.

Jennie M. Huber
Edward F. Long

Richard J. Long
(Name)

2606 Lake Avenue
(Address)

Richard J. Long
(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 26, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-01-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 25, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1988.

Certified and signed this
2nd day of February 1988.



Robert Hutter
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 2606 Lake Avenue *3-88-01-21*

EFFECT OF PASSAGE _____ Property is presently zoned R-1 - Single Family

Residential. Property will become P O D - Professional Office District.

EFFECT OF NON-PASSAGE _____ Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-88-01-21

BILL NUMBER

Division of Community Development & Planning**BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R-1 to POD

DETAILS**Specific Location and/or Address**

2606 Lake Avenue

Reason for Project

Professional Office Development

Discussion (Including relationship to other Council actions)25 January 1988 - Public Hearing

Steven Spindler, Attorney representing Dr. Borenstein, who has an option to purchase the property appeared before the Commission. Mr. Spindler stated that the Dr. Borenstein wanted to construct a building to house his practice of plastic surgery. He stated that the staff apparently approved of the use.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

2 February 1988 - Business Meeting

Motion was made by Yvonne Stam to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight members present seven (6) voted in favor of the recommendation two (2) members abstained.

NOTE: A preliminary development plan has been conditionally approved for this property by the Plan Commission.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission	
Area Affected	City Wide	
	Other Areas	
Applicants/ Proponents	Applicant(s) Jennie Huber / Richard Long/ Edward Long City Department	
	Other	
Opponents	Groups or Individuals Basis of Opposition	
Staff Recommendation	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against
	Reason Against	
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass	<input type="checkbox"/> Other
	<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
	<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

DETAILS**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment	<hr/> <hr/> <hr/>	

(This space for further discussion)

Project Start**Date** 16 December 1987**Projected Completion or Occupancy****Date** 2 February 1988**Fact Sheet Prepared by****Date** 2 February 1988

Patricia Biancaniello

Reviewed by**Date***Shay Bactic*
Reference or Case Number

February 8, 1988

BILL NO. Z-88-01-21

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. Q-10

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) *Do Pass*

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON
Mark E. Gi Quinta MARK E. GIAQUINTA
VICE CHAIRMAN
Charles B. Redd CHARLES B. REDD
David C. Long DAVID C. LONG
Paul M. Burns PAUL M. BURNS

CONCURRED IN 2-23-88.

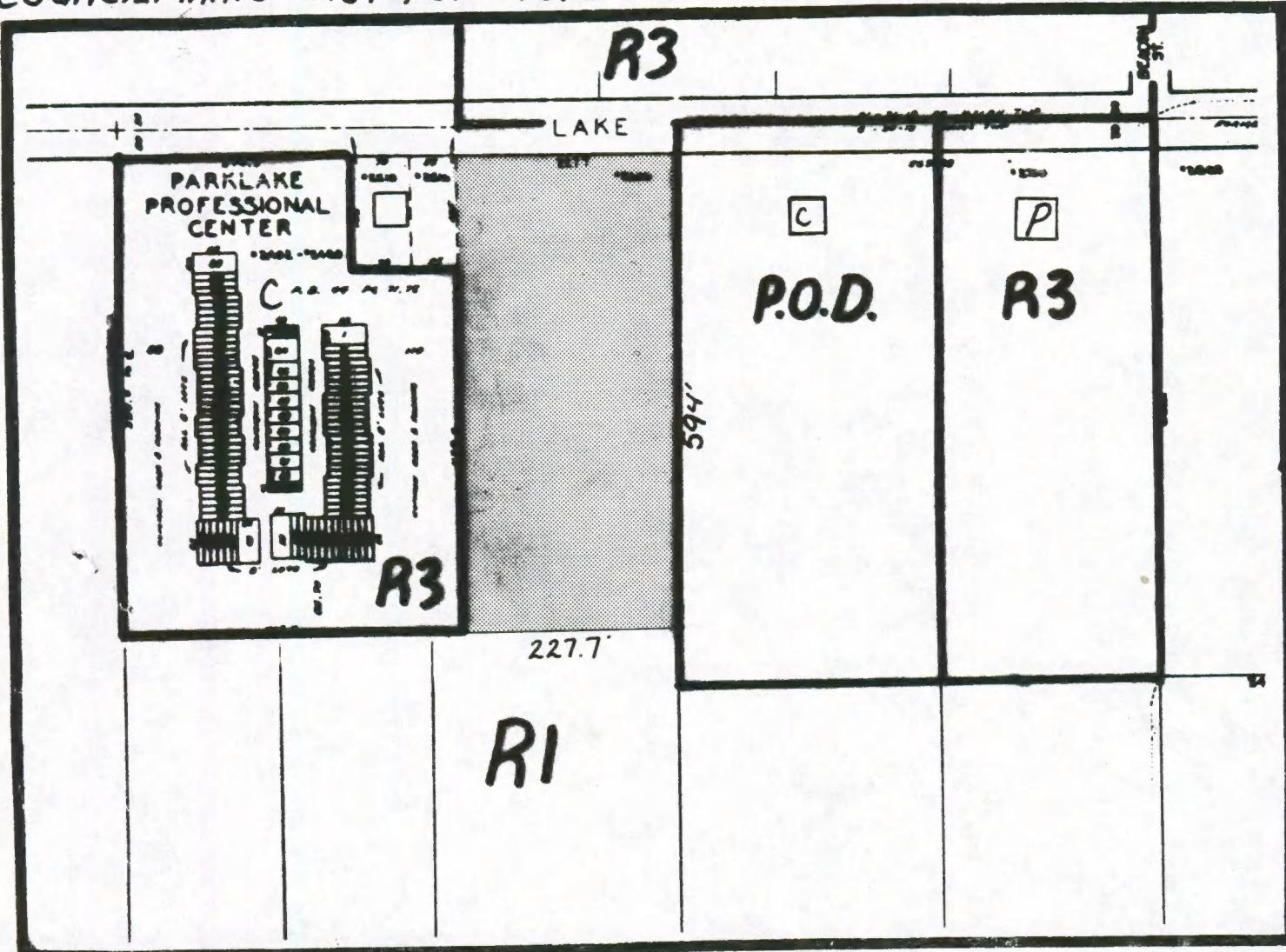
Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

REZONING PETITION #322

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM A R.I. DISTRICT TO A P.O.D. DISTRICT.

MAP NO. Q-10

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
P.O.D. PROFESSIONAL OFFICE DISTRICT

LAND USE:

- SINGLE FAMILY
- COMMERCIAL
- PUBLIC - WATER TREATMENT PLANT

SCALE: 1"=200'

DATE: 1.4.88

